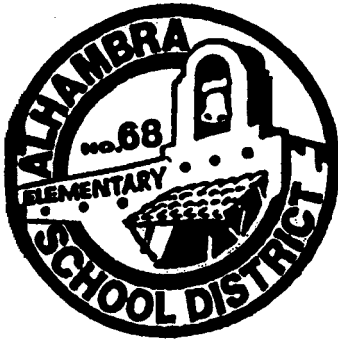


APPENDIX B: AGENCY AND STAKEHOLDER COORDINATION CORRESPONDENCE



ALHAMBRA SCHOOL DISTRICT NO. 68

4510 North 37th Avenue • Phoenix, Arizona 85019
(602) 336-2920 • Fax (602) 336-2270

March 24, 2000

Michael Shirley
Senior Environmental Planner
Logan Simpson Design Inc.
51 West Third Street, Suite 450
Tempe, AZ 85281

Dear Mr. Shirley:

Thank you for your letter of March 3, 2000, regarding the proposed improvement to traffic operations at the intersections of Grand Avenue and 51st, 43rd, and 27th Avenues.

The Alhambra School District is currently in the process of purchasing a portion of the land that is north of Grand Avenue, west of 49th Avenue, and south of Bethany Home Road for a future site of an elementary school. That area lies in a flood plain. Plans for improvement of the intersection at Grand Avenue and 51st Avenue need to take into account the drainage problems in this area. The improvements need to be designed so that the drainage situation is not made any worse, and, if possible, is improved upon.

School buses currently transport students back and forth across all three Grand Avenue intersections indicated in your letter. Potential traffic delays, congestion, and detours will negatively impact school transportation operations. Disruptions to an orderly, expedient traffic flow need to be minimized as much as possible.

Please call me if you have any questions or concerns at telephone number (602) 386-2969.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Virgil".

Doug Virgil
Assistant. Superintendent for Business Services



March 20, 2000

Mr. Michael Shirley
Senior Environmental Planner
Logan Simpson Design Inc.
51 West Third Street, #450
Tempe, AZ 85281

Dear Mr. Shirley:

This is in response to your letter of March 3, 2000 regarding an environmental assessment of the Grand Avenue intersections.

To ensure you have the earthmoving permits required by the Department, please contact Harold Monteith @ 602-506-6734.

The intersections of Grand and 27th and 43rd Avenues have historically been carbon monoxide "hot spots". Any construction activity taking place between October - February should be designed and scheduled to keep traffic moving through these interchanges. Also, construction should be suspended if necessary during a declared high carbon monoxide pollution advisory.

I wish you great success with this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Brown".

Al Brown
Director

Mike Shirley

From: bmacturk@ci.phoenix.az.us
Sent: Monday, March 20, 2000 3:11 PM

Michael:

I have spoken with our branch representatives regarding your request.

There was only one "Non Home Depot" concern raised. That being that during ADOT's design process to improve the various intersections along Grand Avenue, serious consideration be given to the ultimate design of the respective intersections. More specifically, that "function" should not take sole precedence over "form" (style, aesthetic appeal, uniqueness). Additionally, ramps, etc. should be designed and constructed such that they don't create a visual Barrier that has the effect of the "Great Wall", thus further geographically dividing or separating the community.

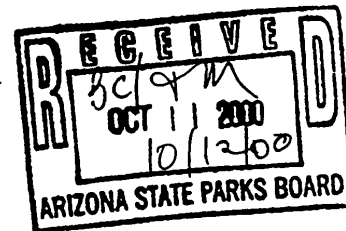
Regarding Home Depot, the City wants to insure we do everything within our power to retain them in Phoenix. Current plan calls for a relocation and expansion from the northeast corner to the southwest corner of 43rd Avenue and Camelback Rd.

Please contact me if you require additional information.

Thanks, Bruce MacTurk



U.S. DEPARTMENT OF TRANSPORTATION FEDERAL
HIGHWAY ADMINISTRATION
ARIZONA DIVISION
234 N. Central Ave., Suite 330
Phoenix, Arizona 85004
September 25, 2000



54p0-2000-1978(3255)

IN REPLY REFER TO
HA-AZ

NH-060-B (GEN)

060 MA 160 H5137 01R

060 MA 157 H5532 01R

060 MA 158 H5537 01C

060 MA 149 H5538 01C

Continuing Section 106 Consultation
Grand Avenue Intersections

Ms. Jo Anne Miller
State Historic Preservation Office
Arizona State Parks
Phoenix, Arizona 85007

Dear Ms. Miller:

As you are aware, the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make operational and safety improvements to eight intersections along Grand Avenue (US 60) in the cities of Phoenix, Glendale, and Peoria, Maricopa County, Arizona. FHWA previously contacted your office about this undertaking in a letter dated July 28, 2000. As indicated in that letter, because of the complexity and phased nature of the project, FHWA and ADOT believe that a Programmatic Agreement (PA) is warranted, pursuant to Section 800.14(b)(3) of the Council's regulations. A draft copy of a PA recently was sent to all parties for review and comment.

Preliminary project plans have been made available for the proposed work at four of the eight intersections: the construction of a Grand Ave., overpass over 27th Ave./Thomas Rd.; the construction of a Grand Ave., overpass over 43rd Ave./Camelback Rd.; a 51st Ave., overpass over Grand Ave./Bethany Home Rd.; and a connection road between 91st Ave., at Cactus Rd., to the SR 101 Loop. Logan Simpson Design, Inc., (LSD) has completed a historic property inventory of these four locations and has prepared a report describing the results their survey, *"A Cultural Resources Survey of Four Intersections Along Grand Avenue (27th Avenue and Thomas Road, 43rd Avenue and Camelback Road, 51st Avenue and Bethany Home Road, and 91st Avenue and SR 101 Loop), Maricopa County, Arizona"* (Grafil 2000), which is enclosed for your review. The APE for these four locations consists of an irregularly-shaped parcel encompassing each intersection, shown in the LSD report. Portions of the project area have been previously inventoried and the LSD report summarizes the results of the prior inventories and presents the results of their inventory of previously unsurveyed portions of the APE. Multiple historic resources were identified, which are summarized by intersection location in Table 7 of the survey report (also enclosed separately for ease of review)

and below. Many historic buildings along Grand Avenue were previously evaluated by Woodward (1993). As part of their survey, LSD revisited two categories of properties previously recorded by Woodward: those properties that Woodward recommended as eligible for the National Register of Historic Places (NRHP) and those that were not NRHP-eligible because at the time of Woodward's survey, they were not 50 years old. LSD did not revisit properties previously recommended to be ineligible for reasons other than age. The LSD report includes an appendix containing SHPO Historic Property Inventory Forms for all historic buildings/structures identified within the APE, except for ten buildings at the 43rd/Camelback intersection that were previously recommended by Woodward to be ineligible. In his 1993 report, Woodward had provided inventory forms for all the properties he identified. However, at the request of SHPO, inventory forms for these ten properties will be updated and provided in a forthcoming addendum to the LSD survey report.

Two historic alignments extend through all four of the intersection locations: Grand Avenue and the Burlington Northern Santa Fe Railroad. Both alignments have been recently modified to the extent that they are unable to convey any historic significance. They are recommended as not NRHP-eligible.

27th/Thomas: Two archaeological sites were identified at this intersection location. AZ T: 12:10 (ASM), the Las Colinas Site, has been previously determined eligible for the National Register of Historic Places (NRHP), but archival research did not reveal a clear statement of the applicable criteria of significance. Based upon LSD's reevaluation of the site, FHWA recommends it to be eligible under criterion D for its potential to provide information about Classic period Hohokam settlement and social organization. AZ T: 12:63 (ASM) is a group of concrete slabs that were thought to be foundations and associated remains of historic structures. Further research indicates that the site is not historically significant and it is recommended as not NRHP-eligible. Eleven historic buildings were also identified at this intersection location, all of which are recommended as not NRHP-eligible. The Alhambra Court (2830 Grand Avenue) was previously identified by Woodward but was not 50 years old at the time he recorded it. According to the LSD survey report, this property has since been demolished. The Byron Jackson Company Buildings (2906 Grand Avenue) lack historical and architectural significance and are recommended as not NRHP-eligible. The property at 3040 N. 27th Ave., is an example of Spanish Colonial Revival architecture, but recent alterations to the building's setting, design and materials have compromised its integrity and ability to convey its significance; it is recommended as not NRHP-eligible. Eight historic, ranch-style residences were identified on W. Verde Lane (2601, 2607, 2611, 2617, 2621, 2627, 2631, and 2637 W. Verde Lane). The buildings form part of the Tisdale Terrace Unit I subdivision. The buildings, and the subdivision itself, lack historical and architectural significance and they are recommended as not NRHP-eligible, individually or as contributing elements to a district. In addition, LSD's background research identified the historic Maricopa Canal and three unnamed, prehistoric canal alignments in this project area; however, these features were not identified during the field survey.

43rd/Camelback: LSD identified one historic structure in the project area at this intersection, the Hircock/McClure Farm house (4813 N. 42nd Ave.). Recent alterations to this structure have negatively impacted critical aspects of its integrity. It is recommended as not NRHP-eligible since

it no longer conveys its historical significance. Woodward (1993) previously identified ten additional historic residences in this area that he recommended as not NRHP-eligible (on Grand Ave.: 4468, 4460, and 4360 [house and worker's cabin]; on N. 42nd Dr.: 4837, 4827, 4823, 4819; and on N. 41st Dr.: 4806 and 4802). Although Woodward's report includes Historic Property Inventory Forms for these ten buildings, LSD will provide updated forms for these properties as a future addendum to this report, at the request of SHPO. All ten buildings lack historical and architectural significance and are recommended as not eligible for the NRHP.

51st /Bethany Home: LSD identified eleven historic buildings and one structure within the project area at this intersection. Nine of the buildings are residences. The houses at 4970, 4974, 5006, and 5008 Cavalier Drive are part of the Genevieve Place subdivision. Most have been recently altered. All lack historical and architectural significance and are recommended as not NRHP-eligible, individually or as contributing elements to a district. Three ranch-style houses were identified at 6211, 6217, and 6223 N. 51st Ave. These buildings lack historical and architectural significance and are recommended as not NRHP-eligible. Small, bungalow-style farmhouses were identified at 6235 N. 51st Ave., and at a location just to the north without an address. Both buildings and their settings have suffered from recent alterations that compromise the integrity of these structures; they are recommended as not NRHP-eligible. Two historic commercial buildings also were identified: the Lory Meat Company (no address) and the Bugas Propane Co., Building (5732-B 51st Ave.). Both lack historical and architectural significance and are recommended as not NRHP-eligible. One structure, a water tower, was identified in the vicinity of the 5700 block of N. 51st Ave. The tower is not of historic age (built in 1952), but is associated with a historic cotton processing complex, the Federal Compress and Warehouse. The tower is located in the area of a proposed drainage detention basin. A small temporary construction easement (TCE) will be needed to maintain access to other parts of this complex. LSD recommends that the water tower be considered potentially eligible as a contributing element to a potential historic district (the Federal Compress and Warehouse). However, because most of the complex is outside of the project area, LSD did not evaluate the potential district and there is not enough information in the report to provide an eligibility determination for the tower or the district. FHWA/ADOT are currently collecting additional information pertaining to the Federal Compress and Warehouse complex, which will allow a determination of eligibility to be made for the water tower and the associated Federal Compress and Warehouse complex; this information will be provided within the next few weeks as an addendum to this report.

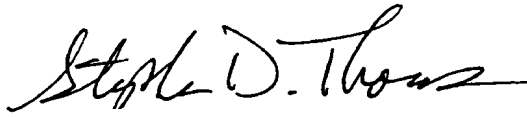
Woodward (1993) also previously identified the Alex L. Silva farm house (5035 W. Bethany Home Rd.) as historic, but provided conflicting eligibility recommendations (eligible and potentially eligible). This property is outside of, but adjacent to the 51st Camelback project area. Because of its proximity to the project area, LSD revisited the Silva farmhouse and found that it had been demolished. However, LSD recommended that the Silva farm house property may be NRHP eligible as a historical archaeological site under criterion D, for its potential to provide information about turn of the century agriculture and settlement in the Glendale area.

91st Ave/Loop 101: Aside from the historic alignments considered above (Grand Ave., and the Burlington Northern Santa Fe Railroad), no historic properties were identified in this location.

Please review the enclosed survey report and the information in this letter. At this time, FHWA is consulting with you regarding survey adequacy and NRHP-eligibility of properties at three of the four project areas discussed in the LSD report: the 27th/Thomas, 43rd/Camelback, and 91st/Loop 101 project areas. Because information needed to evaluate eligibility is pending for a property in the 51st/Bethany Home project area (the Federal Compress and Warehouse), FHWA will reconsult separately regarding the eligibility of properties in that area once the information is available.

If you find the survey report adequate and concur with the recommendations of eligibility for properties at the 27th/Thomas, 43rd/Camelback, and 91st/Loop 101 project areas, please sign below to indicate your concurrence. If you have any questions or comments about this information, please call Michael Ohnersorgen (Historic Preservation Specialist, ADOT) at (602) 712-8148. Thank you for your continued cooperation with this agency.

Sincerely,



for: Robert E. Hollis
Division Administrator

Enclosures



Signature for SHPO Concurrence

Nov. 7, 2000 11/7/00

Date



U.S. DEPARTMENT OF TRANSPORTATION FEDERAL
HIGHWAY ADMINISTRATION
ARIZONA DIVISION
234 N. Central Ave., Suite 330
Phoenix, Arizona 85004
September 25, 2000

IN REPLY REFER TO
HA-AZ
NH-060-B (GEN)
060 MA 160 H5137 01R
060 MA 157 H5532 01R
060 MA 158 H5537 01C
060 MA 149 H5538 01C
Continuing Section 106 Consultation
Grand Avenue Intersections

Ms. Nancy Hayden
Director of Research
Yavapai-Prescott Indian Tribe
530 E. Merritt
Prescott, Arizona 86301-2038

Dear Ms. Hayden:

As you are aware, the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make operational and safety improvements to eight intersections along Grand Avenue (US 60) in the cities of Phoenix, Glendale, and Peoria, Maricopa County, Arizona. FHWA previously contacted your office about this undertaking in a letter dated July 28, 2000. As indicated in that letter, because of the complexity and phased nature of the project, FHWA and ADOT believe that a Programmatic Agreement (PA) is warranted, pursuant to Section 800.14(b)(3) of the Council's regulations. A draft copy of a PA recently was sent to all parties for review and comment.

Preliminary project plans have been made available for the proposed work at four of the eight intersections: the construction of a Grand Ave., overpass over 27th Ave./Thomas Rd., the construction of a Grand Ave., overpass over 43rd Ave./Camelback Rd., a 51st Ave., overpass over Grand Ave./Bethany Home Rd., and a connection road between 91st Ave., at Cactus Rd., to the SR 101 Loop. Logan Simpson Design, Inc., (LSD) has completed a historic property inventory of these four locations and has prepared a report describing the results their survey, *"A Cultural Resources Survey of Four Intersections Along Grand Avenue (27th Avenue and Thomas Road, 43rd Avenue and Camelback Road, 51st Avenue and Bethany Home Road, and 91st Avenue and SR 101 Loop), Maricopa County, Arizona"* (Grafil 2000), which is enclosed for your review. The APE for these four locations consists of an irregularly-shaped parcel encompassing each intersection, shown in the LSD report. Portions of the project area have been previously inventoried and the LSD report summarizes the results of the prior inventories and presents the results of their inventory of previously unsurveyed portions of the APE. Multiple historic resources were identified, which are summarized

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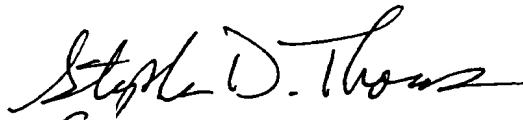
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If you find the survey report adequate and concur with the recommendations of eligibility for properties at the 27th/Thomas, 43rd/Camelback, and 91st/Loop 101 project areas, please sign below to indicate your concurrence. If you have any questions or comments about this information, please call Michael Ohnersorgen (Historic Preservation Specialist, ADOT) at (602) 712-8148. Thank you for your continued cooperation with this agency.

Sincerely,



for: Robert E. Hollis
Division Administrator

Enclosures

Robert C. Enley Ph.D.
Signature for Yavapai-Prescott Indian Tribe Concurrence
Tribal Anthropologist

10-13-00
Date

THE COLORADO RIVER INDIAN TRIBES

By: _____

Date: _____

Title: _____

THE HOPI TRIBE

By: _____

Date: _____

Title: _____

THE HUALAPAI TRIBE

By: _____

Date: _____

Title: _____

THE FT. MOJAVE INDIAN TRIBE

By: _____

Date: _____

Title: _____

THE YAVAPAI-PRESCOTT INDIAN TRIBE

By: Robert C. Eddy Ph.D.

Date: 10-22-00

Title: Tribal Anthropologist

THE YAVAPAI-APACHE NATION

By: _____

Date: _____

Title: _____

Advisory Council On Historic Preservation

The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

Mr. Robert E. Hollis
Division Administrator
Federal Highway Administration
234 N. Central Avenue, Suite 330
Phoenix, AZ 85004

REF: Proposed Grand Avenue Intersections Improvements Project Maricopa County, Arizona

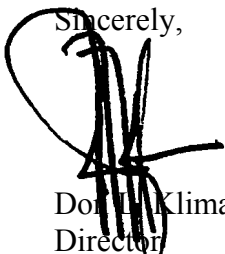
Dear Mr. Hollis:

On September 28, 2000, the Council received your notification and supporting documentation regarding the adverse effects of the referenced project on properties listed on and eligible for listing on the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800) does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, should circumstances change and you determine that our participation is required, please notify us.

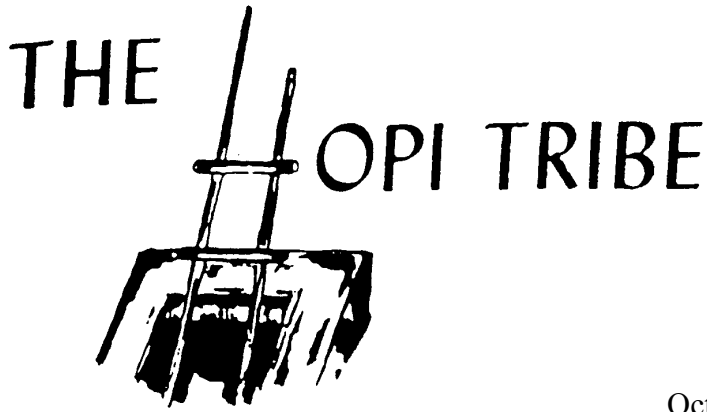
Pursuant to 36 CFR 800.6(b)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the Arizona State Historic Preservation Officer (SHPO), and related documentation at the conclusion of the consultation process. The filing of this MOA with the Council is required in order for the Federal Highway Administration to complete its compliance responsibilities under Section 106 of the National Historic Preservation Act. We would appreciate receiving the project documentation with any signed MOA.

Thank you for providing us with your notification of adverse effect. If you have any questions or require the further assistance of the Council, please contact MaryAnn Naber at 202-606-8505 or via email at mnaber@achp.gov.

Sincerely,



Don L. Klima
Director
Office of Planning and Review



Wayne Taylor, Jr.
CHAIRMAN

Phillip R. Quochoytewa, Sr.
VICE-CHAIRMAN

October 18, 2000

Robert E. Hollis, Division Administrator
U.S. Department of Transportation
Federal Highway Administration, Arizona Division
234 N. Central Ave., Suite 330
Phoenix, Arizona 85004

Dear Mr. Hollis,

This letter is in response to your correspondence dated September 25, 2000, regarding the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) proposing planning to make operational and safety improvements to eight intersections along Grand Avenue (US60) in Maricopa County. As we stated in our August 14, 2000, and October 2, 2000, letters regarding this project, the Hopi Tribe appreciates the your solicitation of our input and your efforts to address our concerns.

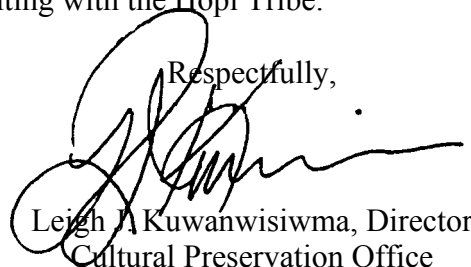
As we also stated in our October 2, 2000, letter, the Hopi Cultural Preservation Office has accepted your invitation to consult on this undertaking and participate in the proposed Programmatic Agreement and has forwarded the draft Programmatic Agreement to our Office of General Counsel for review.

The Hopi Cultural Preservation Office has reviewed and finds adequate the enclosed cultural resources survey report and eligibility recommendations for four of these intersections by Logan Simpson Design, Inc. We defer further consultation regarding the eligibility of historic properties in the 51st/Bethany Home project area to the State Historic Preservation Office.

We concur that intact cultural deposits of the Los Colinas Site, AZ T:12:10 (ASM), may be present beneath the present development in the 27th /Thomas project area. We also concur that this area should be avoided by all ground disturbing activities, or if such activities are unavoidable, an appropriate treatment plan should be prepared.

Thank you again for consulting with the Hopi Tribe.

Respectfully,



Leigh J. Kuwanwisiwma, Director
Cultural Preservation Office

xc: Michael Ohnorsorgen, Arizona Department of Transportation

PO BOX: 23 — KYKOTSMOVI, AZ. — 86039 — (502) 734-3000



"Managing and conserving natural, cultural, and recreational resources"

March 8, 2001

Robert E. Hollis, Division Administrator
U.S. Department of Transportation
Federal Highway Administration
234 North Central Ave., Suite 300
Phoenix, AZ 85004

Jane Dee Hull
Governor

State Parks
Board Members

Re: Memorandum of Agreement, Grand Avenue Intersections Project NH-060-B(GEN));
TRACS # 060 MA 160 H5137 (01C); FHWA SHPO-2000-1978 (4956, 5027, 5144)

Dear Mr. Hollis:

Enclosed is the original signed Memorandum of Agreement regarding mitigation for the above referenced project. James Garrison, State Historic Preservation Officer, signed the document on March 1, 2001. The document should be filed with the Advisory Council according to 36 CFR § 800.6(b)(iv). We would appreciate receiving a copy of the completed signature pages for our files. Also enclosed are concurrences with the adequacy of the proposed archaeological monitoring plan and proposed testing plan for the project.

We appreciate your continued cooperation with our office in complying with the requirements of historic preservation, and look forward to continuing consultation on the project.

Sincerely,

Jo Anne Miller
Compliance Specialist/Archaeologist
State Historic Preservation Office

Enclosures (3)

Cc: Michael Ohnersorgen, ADOT (with copy of signed MOA)

Chair
Vernon Roudebush
Safford

Walter D. Armer, Jr.
Benson

Suzanne Pfister
Phoenix

Joseph H. Holmwood
Mesa

John U. Hays
Yarnell

Sheri J. Graham
Sedona

Michael E. Anable
State Land
Commissioner

Kenneth E. Travous
Executive Director

Arizona State Parks
1300 W.
Washington
Phoenix, AZ 85007

TEL CITY:
602.542.4174
www.pr.state.az.us

800.285.3703
(520) area code

General Fax:
602.542.4180

Director's Office Fax:
602.542.4188

PROGRAMMATIC AGREEMENT

AMONG

**FEDERAL HIGHWAY ADMINISTRATION
ARIZONA DEPARTMENT OF TRANSPORTATION
ARIZONA STATE HISTORIC PRESERVATION OFFICE
CITY OF PHOENIX
CITY OF GLENDALE
CITY OF PEORIA**

**HOPI TRIBE
SALT RIVER PBVIA-MARICOPA INDIAN COMMUNITY
FORT MCDOWELL MOHAVE-APACHE INDIAN COMMUNITY
YAVAPAI-PRESCOTT INDIAN TRIBE
AND YAVAPAI-APACHE INDIAN NATION**

REGARDING THE HISTORIC PROPERTIES ALONG

**GRAND AVENUE (U.S. 60) AT EIGHT INTERSECTION LOCATIONS (27TH/THOMAS,
43RD/CAMELBACK, 51ST/BETHANY HOME, 91ST/101 LOOP, 55TH/GRAND,
59TH/GLENDALE, 67TH/GRAND, AND 75TH/GRAND)**

MARICOPA COUNTY, ARIZONA

WHEREAS, the Federal Highway Administration (FHWA) has determined that improvements to eight intersections along Grand Avenue (27th/Thomas, 43rd/Camelback, 51st/Bethany Home, 91st/101 Loop, 55th/Grand, 59th/Glendale, 67th/Grand, and 75th/Grand), Maricopa County, Arizona, hereafter referred to as the Project, may have an adverse effect upon historic properties that are eligible for inclusion on the National Register of Historic Places (NHRP); and

WHEREAS, the area of potential effect (APE) for this project would consist of eight irregularly-shaped parcels, each encompassing one of the Project intersections illustrated on Figure 1 of this report; and

WHEREAS, FHWA, as the lead agency responsible for compliance under Section 106 of the National Historic Preservation Act (16 U.S.C. §470f) for the Project, by its involvement for providing Federal-aid funding, as authorized by 23 CFR 771, and the Arizona Department of Transportation (ADOT), as agent for FHWA, have consulted with the State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act; and

WHEREAS, by their signature all parties agree that the existing ADOT standard specification will address the presence of cultural materials in potential material sources; and

WHEREAS, project construction will occur on private land to be purchased for the Project that is incorporated by the Cities of Phoenix, Glendale and Peoria, who have been invited to or have participated in consultation and been invited to concur in this agreement; and

WHEREAS, the Native American Tribes that may attach religious or cultural importance to affected properties have been invited to or have participated in consultation and have been invited to concur in this agreement;

NOW, THEREFORE, all parties agree that the Project shall be administered in accordance with the following stipulations in order to satisfy Section 106 of the National Historic Preservation Act and applicable state laws.

STIPULATIONS

FHWA shall ensure that the following measures will be carried out:

I. INVENTORY, EVALUATION, AND EFFECT DETERMINATION

- A. Inventory. FHWA, represented by ADOT, will complete a historic properties inventory of the eight intersection locations defined as the APE that is conducted in a manner consistent with the Secretary of the Interior's Standards and Guidelines (48 FR 44716-44742) for Identification of Historic Properties. FHWA, represented by ADOT, will further ensure that any areas not previously surveyed and any staging or use areas related to this undertaking shall be inventoried in a manner consistent with the Project inventory. Report(s) of the results of any and all inventories shall be submitted to all parties for a concurrent 30-calendar-day review and comment.
 1. FHWA, represented by ADOT, will ensure that SHPO Historic Property Inventory Forms are completed for each historic building or structure within the APE. Completed inventory forms will be included in an appendix in the inventory report(s).
 2. FHWA represented by ADOT, has consulted with and will continue to consult with the Hopi Tribe, the Salt River Pima-Maricopa Indian Community, the Fort McDowell Mohave-Apache Indian Community, the Yavapai-Presecott Indian Nation, and the Yavapai-Apache Indian Nation to help identify potential properties of religious and cultural significance within the APE and within any additions to the APE by staging or use areas.

- B. Evaluation. FHWA, represented by ADOT, in consultation with SHPO, the Cities of Phoenix, Glendale and Peoria, and Native American Tribes shall ensure that determinations of eligibility are made in accordance with 36 CFR 800.4(c) for all historic properties within the Project right-of-way, including any additional staging or use areas. Should any party to this agreement disagree with FHWA or ADOT regarding eligibility, the SHPO shall be consulted and resolution sought within 20 calendar days. If the FHWA and SHPO disagree on eligibility, determinations will be forwarded to the Keeper of the National Register for resolution.
1. FHWA, represented by ADOT, will ensure that archaeological site areas needing testing, according to §800.4(b)2, will be investigated in a manner to evaluate them for eligibility for the National Register of Historic Places. An Archaeological Testing Plan will be developed for such areas for submittal to SHPO, the Cities of Phoenix, Glendale and Peoria, and Native American Tribes for review and comment prior to implementation of the testing plan. The review and comment of the Archaeological Testing Plan will be consistent with the time frames specified in Stipulation DI (A) and (B) below. The results of the testing will be detailed in an Archaeological Testing Report that will be reviewed and evaluated as per Stipulation EI (A) and (B) below.
- C. Effect Determination. FHWA, represented by ADOT, in consultation with SHPO shall apply the criteria of Adverse Effect in 36 CFR 800.5 to all historic properties within the Project APE, including any area proposed for geotechnical testing or additional new staging or use areas.
- D. FHWA, represented by ADOT, has sought public comment on the effects of the undertaking on historic properties in coordination with its procedures for implementing the National Environmental Policy Act (NEPA). FHWA shall notify and consult with interested parties, as appropriate, regarding findings of eligibility, effect, and mitigation options.
- E. If FHWA and the SHPO agree (per Stipulations IV A & B) that a portion of the undertaking shall have no effect on listed or eligible properties, FHWA may provide authorization to proceed- with construction in that area, subject to obtaining any necessary permits and the conditions of any Monitoring Plan or Discovery Plan developed for the Project, provided that construction does not preclude options for avoidance of historic properties in other segments.

II. EFFECTS ON HISTORIC PROPERTIES

To the extent feasible, FHWA will avoid adverse effects to historic properties that are identified in the APE through project redesign or implementation of protective measures. Where avoidance is not feasible, FHWA, in cooperation with ADOT, and in consultation with SHPO and other consulting parties, shall ensure that the following measures are carried out:

- A. Historic Buildings or Structures. A Treatment Plan for Historic Building and Structures (TPHBS) will be developed for the mitigation of effects on historic buildings and structures that will result from the Project and any related uses and activities. FHWA, in cooperation with consulting parties, will ensure that all options are considered for rehabilitation or alternative uses of historic buildings and structures within the project area. Where such options are not feasible, properties may be demolished. Further, FHWA, in cooperation with consulting parties, will ensure the development of location and property specific plans for each individual phase or segment of the Project that will be considered as Supplements to the TPHBS.
1. The TPHBS shall be consistent with Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings or the SHPO's Documentation Standards for Historic Properties, as appropriate, and shall minimally specify the following:
 - a. The TPHBS will identify the historic buildings and structures to be Effected by the Project as a whole and the nature of those effects.
 - b. The TPHBS will contain an appropriate explanation of the relevance and importance of each property that reflects the concept of historic contexts as defined in National Register Bulletin 16 and shall take into consideration any such historic contexts established for the Project area.
 - c. Where rehabilitation or alternative uses are feasible for a specific property, the FHWA, in cooperation with consulting parties, will ensure that the approaches recommended in the Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings are taken into account during plans for rehabilitation or use of the property.
 - d. If rehabilitation or alternative use are not feasible options for a specific property, and demolition must occur, the property will be documented in accord with the SHPO's Documentation Standards for Historic Properties. Such documentation will include an appropriate narrative, relevant maps, reproductions-of original plans or architectural drawings, and appropriate black and white photographs and color slides, as indicated in the SHPO Standards.
 - e. All documentation relevant to TPHBS will be submitted to all consulting parties for review and comment and will be compiled into a final project report.
- B. Archaeological Sites. A Treatment Plan for Archaeological Sites (TPAS) will be developed for the mitigation of anticipated effects on archaeological sites that will result from the Project and any related uses and activities. Further, FHWA, in cooperation with consulting parties, will ensure the development of location and property specific Data Recovery Plans for each individual phase or segment of the Project that will be considered as Supplements to the TPAS.

1. The TPAS shall be consistent with the Secretary of Interior's Standards and Guidelines (48 FR 44716-44742) and the Council's handbook Treatment of Archaeological Properties and shall minimally specify the following:
 - a. The TPAS will identify the archaeological sites to be affected by the Project as a whole and the nature of those effects. Identification and description of the traditional and/or religious significance of traditional cultural properties identified with Native American Tribes may be done only with the permission of the appropriate tribe(s). Addressing and defining traditional cultural properties shall be consistent with the guidance provided in National Register Bulletin 38.
 - b. The Research design will contain research questions and goals that are applicable to the Project area as a whole that will be addressed through data recovery, along with an explanation of their relevance and importance. These research questions and goals shall reflect the concept of historic contexts as defined in National Register Bulletin 16 and shall take into consideration any such historic contexts established for the Project area.
 - c. Field and analysis methods and strategies applicable to the Project area that will be developed along with an explanation of their relevance to the research questions.
 - d. Proposed procedures for dealing with discovery situations will be specified.
 - e. Methods to be used in data management and dissemination of data will be specified.
 - f. Methods and procedures for the discovery of human remains will be specified. In the event human remains are encountered on private land, FHWA and ADOT will coordinate with the Arizona State Museum (ASM) under the provisions of the ARS 41-844, and ARS 41-865, and a burial agreement will be developed. Appropriate procedures for the recovery, analysis, treatment, and disposition of human remains, associated grave goods, and objects of cultural patrimony would be developed in accordance with the provisions of applicable state laws and all promulgated regulations and would reflect any concerns and/or conditions identified as a result of consultations between FHWA, ADOT, ASM, and any affected Native American tribes.
 - g. A Monitoring Plan will be included to ensure that historic properties are not affected by construction-related activities. This Monitoring Plan shall specify the location of all identified properties and the means by which they will be marked and avoided if construction or other ground disturbing activities are allowed in nearby portions of the right-of-way.

- h. A Discovery Plan will be included to ensure adequate treatment of unanticipated discoveries taking into account the provisions in 36 CFR § 800.13 and ARS 41-844. Plans shall address methods for consultation to determine an appropriate course of treatment for discovered properties. Plans shall also identify methods that will be used for recording and reporting monitoring activities and discoveries.
 - i. A discussion of the public benefit of mitigation and a plan for heritage education programs will be included to the extent possible.
2. Each phase or segment-specific Data Recovery Plan shall represent a dependent plan supplemental to the TPAS providing specific direction for the conduct of Data Recovery within any given Project segment. It shall conform to the general requirements of the TPAS. At a minimum, it shall specify:
- a. The historic properties to be affected in the specified Project segment and the nature of those effects.
 - b. The research questions identified in the TPAS that will be appropriate for the specified Project segment and that will be addressed through data recovery, along with any additional research questions compatible with the TPASs and an explanation of their relevance to the overall research goals as established in the Plan.
 - c. The specific fieldwork and analytical strategies identified in the TPAS, as well as any other strategies that will be employed in the specified Project segment.
 - d. A proposed schedule for submission of progress, preliminary, and other reports to SHPO and other consulting parties.

III. COMMENT ON THE TREATMENT PLANS AND DATA RECOVERY PLAN(S)

- A. Upon receipt of a draft of either Treatment Plan, FHWA, represented by ADOT, will submit the draft concurrently to all parties to the Agreement for review, after review by ADOT. All parties will have 30 calendar days from receipt to review and provide comments to ADOT. Lack of comment within this review period may be taken as concurrence with the plan.
- B. If revisions to either Plan is needed, all parties to this Agreement have 20 calendar days from receipt to review and comment on the revisions. If no comments are received within this period, the FHWA may assume that the reviewer concurs with the revisions.

- C. Once the Treatment Plan for Archaeological Sites is determined adequate by all parties to the Agreement, FHWA shall issue authorization to proceed with the development of the Data Recovery Plan(s) which shall be reviewed in a manner consistent with Stipulations HI (A) and (B) above,
- D. Once the Data Recovery Plan(s) is determined adequate by all parties to the Agreement (SHPO approval), FHWA shall issue authorization to proceed with the implementation of the Plan, subject to obtaining all necessary permits.
- E. Final drafts of the Treatment Plans and all subsequent and supplemental Data Recovery Plan(s) will be provided to the parties to the Agreement.
- F. Any party to the Agreement may choose not to review each plan.

IV. CONSTRUCTION

- A. FHWA, represented by ADOT, in consultation with the SHPO may issue authorization to proceed with construction or geotechnical testing in those portions of the Project area that lack cultural resources or that contain historic properties once the agreed-upon fieldwork/treatment specified in the Treatment Plans and Data Recovery Plan(s) has been completed. Authorization is subject to SHPO acceptance of the adequacy of the work performed under those Plans and to obtaining all necessary permits, and provided work does not preclude treatment options in other sections. For archaeological properties, acceptance will be based on field inspection and review of a preliminary report documenting the accomplishment of the Treatment Plan for Archaeological Sites and Data Recovery Plan(s) by FHWA, consulting agencies and SHPO. Any party to the Agreement may choose not to review each report.
- B. All parties will have 30 days from receipt of the preliminary archaeological report for review and comment. If no comments are received within this period, FHWA may assume that the reviewer accepts the adequacy of the work and agrees with an authorization to proceed.
- C. FHWA shall ensure that if an archaeological property is discovered after construction begins, the approved Discovery Plan, as specified in Stipulation n of this agreement, shall be implemented.

V. CHANGES IN CONSTRUCTION CORRIDORS AND ANCILLARY AREAS

Any changes or additions in construction corridors, staging, or use areas will be handled in a manner consistent with Stipulations I-IV.

VI. CURATION

FHWA, represented by ADOT, shall ensure that all records and materials resulting from identification and data recovery efforts are curated in accordance with standards and guidelines generated by the Arizona State Museum for private land and 36 CFR Part 79. Consultation with affected Native American tribes will be done according to ARS 41-844 and ARS 41-865, as applicable. All ARS 41-844 and 41-865 remains and cultural items will be treated with dignity and respect, and consideration for the specific cultural religious traditions applicable until their analysis is complete and their disposition has occurred.

VII. DISPUTE RESOLUTION

Should any party to this Agreement object within 30 calendar days to any action(s) or plans provided for review pursuant to this Agreement, FHWA shall consult with the objecting party to resolve the objection. The objection must be specifically identified, and the reasons for objection documented. If FHWA determines that the objection cannot be resolved, FHWA shall forward all documentation relevant to the dispute to the Council and notify SHPO as to the nature of the dispute. Within 30 calendar days of receipt of all pertinent documentation, the Council shall provide FHWA with recommendations, which FHWA shall take into consideration in reaching a final decision regarding the dispute. Any recommendation or comment provided by the Council will be understood to pertain only to the subject of the dispute; FHWA responsibility to carry out all actions under this Agreement that are not the subject of the dispute will remain unchanged.

VIII. PUBLIC OBJECTION

At any time during the implementation of the measures stipulated in this Agreement, should an objection be raised by a member of the public, FHWA shall take the objection into account, notify SHPO of the objection, and consult as needed with the objecting party.

IX. AMENDMENT

FHWA, SHPO, or the Council may request that this Agreement be amended, whereupon the parties will consult to consider such amendment in accordance with 36 CFR 800.14.

X. TERMINATION

This agreement shall be null and void if its terms are not carried out within twenty (20) years from the date of its execution, unless FHWA, SHPO, and the Council agree in writing to an extension for carrying out its terms. FHWA, SHPO, or the Council may terminate this agreement by providing written notice within 30 calendar days to the other parties, provided that the parties will consult during that period to seek agreement on amendments or other actions that would avoid termination. In the event of termination or expiration, FHWA shall either execute a new agreement under 800.6(c)(1) or request the comments of the Council under 800.7(a).

XI. FAILURE TO CARRY OUT THE TERMS OF THE AGREEMENT

In the event that the terms of this Agreement are not accomplished, FHWA shall comply with 36 CFR 800.3 through 800.5 with regard to individual actions covered by this Agreement.

Execution and implementation of this Agreement is evidence that FHWA has afforded the Council an opportunity to comment on the Grand Avenue Project and its effect upon historic properties. In so doing, FHWA has satisfied the Section 106 responsibilities for all individual actions of this undertaking. Participation in this agreement also satisfies the State Historic Preservation Act responsibilities of the ADOT for this undertaking pursuant to ARS § 41-864.

CONSULTING PARTIES

FEDERAL HIGHWAY ADMINISTRATION

By: David S. Nelson Date: 1-17-01

Title: ASSIST DIVISION ADMIN.

ARIZONA STATE HISTORIC PRESERVATION CENTER

By: James W. Lawrence Date: 3/1/01

Title: AZSHPO

CONCURRING PARTIES

ARIZONA DEPARTMENT OF TRANSPORTATION

By:  _____ Date: 1-17-01

Title: Environmental Group Manager

CITY OF PHOENIX

By: _____ Date: _____

Title: _____

CITY OF GLENDALE

By: _____ Date: _____

Title: _____

CITY OF PEORIA

By: _____ Date: _____

Title: _____

THE HOPI TRIBE

By: _____ Date: _____

Title: _____

THE SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY

By: _____ Date: _____

Title: _____

CONCURRING PARTIES

ARIZONA DEPARTMENT OF TRANSPORTATION

By:  Date: 1-17-01

Title: Environmental Group Manager

CITY OF PHOENIX

By: _____ Date: _____

Title: _____

CITY OF GLENDALE

By: _____ Date: _____

Title: _____

CITY OF PEORIA

By: David Moody, PE. Date: 2/2/01

Title: PWD

THE HOPI TRIBE

By: _____ Date: _____

Title: _____

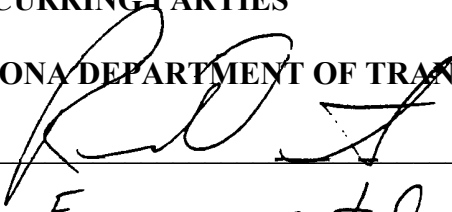
THE SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY

By: _____ Date: _____

Title: _____

CONCURRING PARTIES

ARIZONA DEPARTMENT OF TRANSPORTATION

By:  Date: 1-17-01

Title: Environmental Group Manager

CITY OF PHOENIX

By: _____ Date: _____

Title: _____

CITY OF GLENDALE

By: _____ Date: _____

Title: _____

CITY OF PEORIA

By: _____ Date: _____

Title: _____

THE HOPI TRIBE

By: Wayne Taylor Date: 2/06/01

Title: Chairman

THE SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY

By: _____ Date: _____

Title: _____

THE FORT MCDOWELL MOHAVE-APACHE INDIAN COMMUNITY

By: _____

Date: _____

Title: _____

THE YAVAPAI-PRESCOTT INDIAN TRIBE

By: _____

Date: _____

Title: _____

THE YAVAPAI-APACHE INDIAN NATION

By: _____

Date: _____

Title: _____

Exhibit 2 Recommended Roadway Concepts

- LEGEND**
- Traffic Signal
 - Roadway Improvement

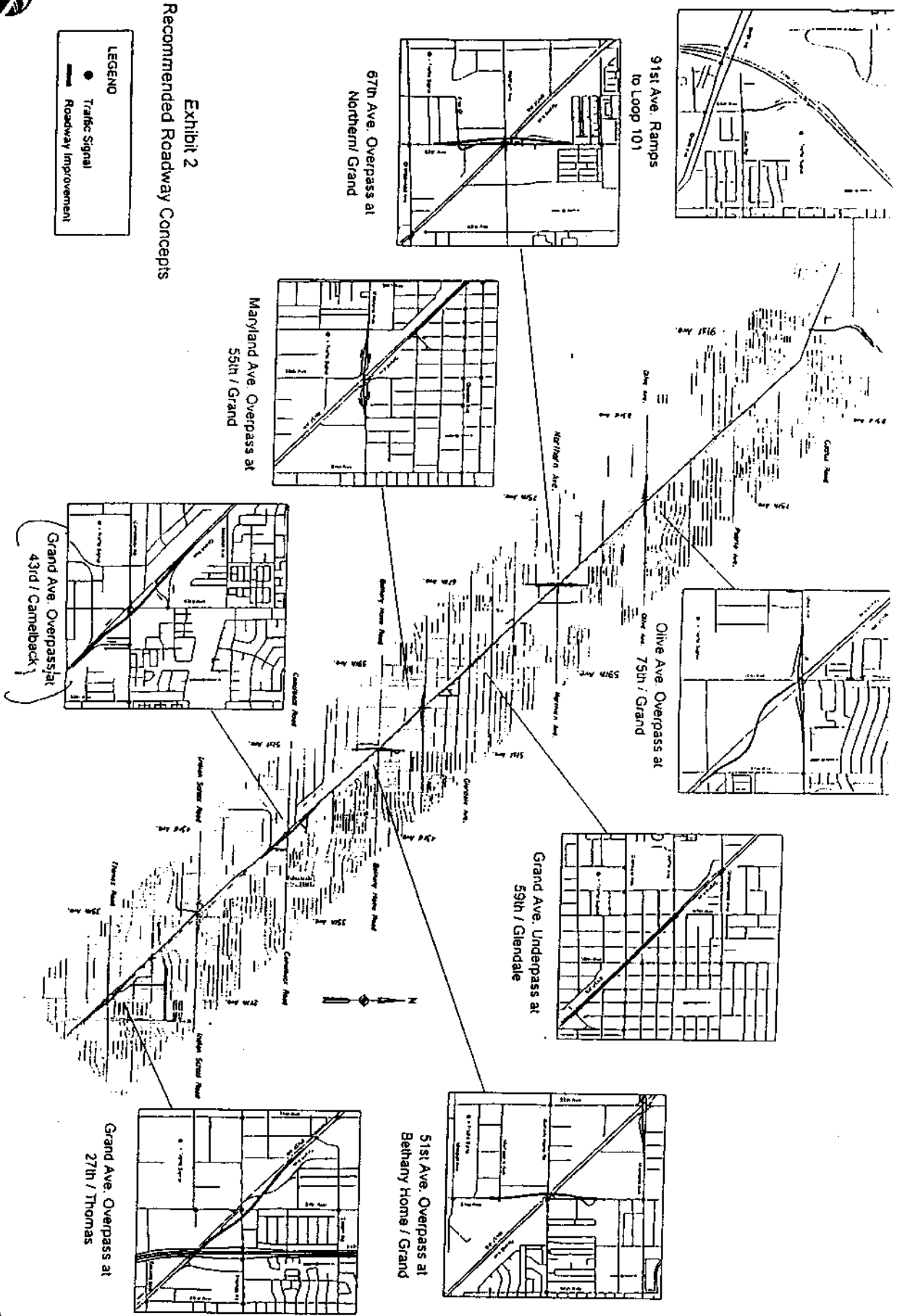


FIGURE 1